

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JOSHUA S. YBARRA,  
*Plaintiff,*

v.

TESSIE & MEI, L.L.C. DOING  
BUSINESS AS FORMOSA GARDENS.  
*Defendant.*

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CIVIL ACTION NO. 5:15-cv-463

**DEFENDANT'S FIRST SUPPLEMENTAL DISCLOSURES**

COMES NOW DEFENDANT, Tessie & Mei, L.L.C. doing business as Formosa Garden and respectfully submits its First Supplemental Disclosures in accordance with FRCP § 26(a)(1) *et seq.*:

1(A)(i). The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

A. Fact Witnesses

1. Hsien Nien Meng  
c/o Edward L. Piña  
Attorney at Law  
Edward L. Piña & Associates, P.C.  
*The Ariel House*  
8118 Datapoint Drive  
San Antonio, Texas 78229-3268  
(210) 614-6400 Telephone  
(210) 614-6403 Telecopier

This witness is a Defendant representative and is expected to testify in conformity with Defendant's pleadings and respond to the Plaintiff's claims. He will testify about damages and respond to the Plaintiff's claims.

Andy Young  
c/o Edward L. Piña  
Attorney at Law  
Edward L. Piña & Associates, P.C.  
*The Ariel House*  
8118 Datapoint Drive  
San Antonio, Texas 78229-3268  
(210) 614-6400 Telephone  
(210) 614-6403 Telecopier

This witness is a Defendant representative and is expected to testify in conformity with Defendant's pleadings and respond to the Plaintiff's claims. He will testify about damages and respond to the Plaintiff's claims.

Joshua S. Ybarra  
c/o Adam Poncio  
Poncio Law Offices, P.C.  
5410 Fredericksburg Road, Suite 109  
San Antonio, Texas 78229  
(210) 212-7979 Telephone  
(210) 212-5880 Facsimile

This witness is the Plaintiff and was employed by Defendant.

Tessie & Mei, LLC d/b/a Formosa Garden  
c/o Edward L. Piña  
Edward L. Piña & Associates, P.C.  
8118 Datapoint Drive  
San Antonio, Texas 78229  
(210) 614-6400

Defendant herein.

Sam Zchu  
Juan Guevara  
Gustavo Fuentes  
Ricky Rivera  
Kevin Yuen  
Pis Tsu Chue  
Sarh Phoeun  
Raul Serrano  
Juan Palacios  
Carlos Espinosa

Alicia  
Maria  
Kim McGinnis  
Kevin Teasdale  
Mario Garcia a/k/a "Carlos"  
c/o Edward L. Piña  
Edward L. Piña & Associates, P.C.  
8118 Datapoint Drive  
San Antonio, Texas 78229  
(210) 614-6400

These witnesses are Defendant's employees and are expected to testify in conformity with Defendant's pleadings and respond to the Plaintiff's claims. They will testify about their schedules, their observations of Plaintiff, and respond to the Plaintiff's claims.

Lupe Ybarra  
8203 Grissom Circle  
San Antonio, Texas 78251  
(210) 290-3877

Plaintiff's grandmother.

Jose A. Ybarra  
8203 Grissom Circle  
San Antonio, Texas 78251

Plaintiff's father.

Miranda Naranjo  
10115 Garnet Point  
San Antonio, Texas 78251  
(210) 717-6227

Plaintiff's spouse.

**B. Expert Witnesses:**

1. Edward L. Piña  
Edward L. Piña & Associates P.C.  
*The Ariel House*  
8118 Datapoint Drive  
San Antonio, Texas 78229  
(210) 614-6400 Telephone  
(210) 614-6403 Facsimile

Counsel for Plaintiff

This witness may testify as to reasonable attorneys fees (*see* attached curriculum vitae).

Matthew Gossen  
Attorney at Law  
8000 IH-10 W., Ste # 600  
San Antonio, TX 78230  
(210) 366-0420 Telephone  
(210) 366-8072 Facsimile

This witness may testify as to reasonable attorneys fees.

Teresa K. "Terry" Valentic  
Law Office of Teresa K. Valentic, PLLC  
P.O. Box 593252  
San Antonio, Texas 78259  
(210) 367-9141 Telephone

This witness may testify as to reasonable attorneys fees.

Defendant does not contemplate retaining other expert witnesses on this case at this time. However, if such experts are retained their names, addresses, telephone numbers, resumes and written reports will be supplemented.

C. Any expert listed in Plaintiff's disclosure. Defendant reserves the right to call any of Plaintiff's expert witnesses in their case in chief.

1(A)(ii) A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody and control and may use to support its claims or defenses, unless the use would be solely for impeachment.

**Response:** The documents in the Defendant's possession and custody are the Defendant's payroll records and employee documents concerning Plaintiff. Additionally, Defendant's contract with his attorney and billing statements may be used to support Defendant's claims for attorney fees.

1(A)(iii) A computation of each category of damages claimed by the disclosing party – who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure on which each computation is based, including materials bearing on the nature and extent of the injuries suffered.

**Attorneys Fees:** In a civil case of this nature, attorney fees are also recoverable. Therefore, the attorney fees incurred are asserted in Defendant's counter claim.

Plaintiff has incurred over \$5,500.00 in attorney fees and these are continuing to accrue. These are billed at the rate of \$250.00 to \$350.00 per hour depending on the qualifications and experience of counsel and the nature of the work performed.

Plaintiff will supplement this response and provide Plaintiff's Attorney Consultation and Fee Contract and billing statements upon request.

iv. For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part or a possible judgment in the action or to indemnify or reimburse for payments made to satisfy a judgment.

**Response:** Not applicable.

Respectfully submitted,



**EDWARD L. PIÑA**

Attorney at Law

State Bar No. 16011352

**Edward L. Piña & Associates, P.C.**

*The Ariel House*

8118 Datapoint Drive

San Antonio, Texas 78229-3268

(210) 614-6400 Telephone

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ATTORNEY FOR DEFENDANT

### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing instrument has been forwarded to the following counsel of record in accordance with the District's ECF service rules on the

14th day of August, 2015 as follows:

Adam Poncio  
Poncio Law Offices, P.C.  
5410 Fredericksburg Road, Suite 109  
San Antonio, Texas 78229  
(210) 212-7979 Telephone  
(210) 212-5880 Facsimile  
ATTORNEYS FOR PLAINTIFF

  
EDWARD L. PINA